

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

RODNEY JULIUS OWENS,)
)
Plaintiff,)
)
v.) CASE NO. 3:06-CV-540-MEF
) [WO]
)
DR. JOHN McFARLAND, et al.,)
)
Defendants.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

On June 16, 2006, Rodney Julius Owens, a county inmate, filed this 42 U.S.C. § 1983 action challenging the conditions of confinement to which he was subjected at the Lee County Detention Center. On September 21, 2006, this court entered an order, a copy of which the Clerk mailed to Owens. The postal service returned this order because Owens was not known at the address he had provided to the court for service. In light of the foregoing, the court entered an order requiring that on or before October 13, 2006 Owens show cause why this case should not be dismissed for his failure to inform the court of his present address. *See Order of October 5, 2006 - Court Doc. No. 17.* The court specifically cautioned Owens that his failure to comply with the directives of this order would result in a recommendation that this case be dismissed. *Id.* The plaintiff has filed nothing in response to the October 5, 2006 order. The court therefore concludes that this case is due

to be dismissed.

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to prosecute this action. It is further

ORDERED that on or before October 30, 2006 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). See *Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). See also *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit

handed down prior to the close of business on September 30, 1981.

DONE, this 17th day of October, 2006.

/s/ Susan Russ Walker

SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE